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Linda M. Svik Name of Attorney/Agent	44,982 Registration No.
<u>Linda M. Svik</u> Signature of Attorney or Agent	

P&G Case 8048C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :  
 Robert Lee Wells et al. : Confirmation No.  
 Serial No. : Group Art Unit 1615  
 Filed February 9, 2004 : Examiner

For Phase-Separated Rinse-Off Hair Coloring/Cleansing Products

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made on the attached Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

**[X] 37 C.F.R. §1.97(b)(1) - U.S. Direct (use when filing IDS with nonprovisional patent application, or with Request for Continued Examination (RCE); or within 3 months of filing a nonprovisional patent application)**

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(1), is being filed with the patent application, with a Request for Continued Examination or within three months of the filing date of a national application. Therefore, no fee is believed to be due.

**ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:**

[X] All of the cited references were previously cited by or submitted to the USPTO in prior application Case No. 8048, U.S. Patent Application Serial No. 09/551,035, filed 04/17/2000. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

Respectfully submitted,

By Linda M. Sivik  
Linda M. Sivik  
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Date: February 9, 2004

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PTO/SB08A (10-01)

Approved for use through 10/31/2002 OMB 0651-0031

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

SHEET 1 of 2

Application Number	
Filing Date	02/09/2004
First Named Inventor	Robert Lee Wells
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	8048C

## U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	DOCUMENT NUMBER Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US-3,930,792	01-06-1976	Alperin et al.	
	2	US-4,168,144	09-18-1979	Curry et al.	
	3	US-4,943,430	07-24-1990	Hefford et al.	
	4	US-4,975,092	12-04-1990	Chan et al.	
	5	US-5,089,257	02-18-1992	Schrader et al.	
	6	US-5,376,146	12-27-1994	Casperson et al.	
	7	US-5,393,305	02-28-1995	Cohen et al.	
	8	US-5,635,461	06-03-1997	Onitsuka et al.	
	9	US-5 656 280 A	08-02-1997	Craig A. Herb et al.	
	10	US-5 942 216 A	08-24-1999	Craig A. Herb et al.	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	1	DE-44 41 359 A1	05-23-1996	KAO Corp		
	2	DE-297 22 988 U	06-17-1999	Goldwell GmbH		
	3	EP-0089749 A2	09-28-1983	Bristol Myers		
	4	EP-0137178 A2	04-17-1985	Beecham Group		
	5	EP-0146350 A2	06-26-1985	Unilever		
	6	EP-0312343 A3	04-19-1989	Unilever		
	7	EP-0819422 A1	01-21-1998	KAO Corp		
	8	EP-0 733 355 A	09-25-1996	KAO Corporation		
	9	FR-2,096,377	02-18-1972	Helene Curtis		T
	10	GB-986 712 A	03-24-1965	Chesebrough Ponds		T
	11	WO-01/78670 A3	10-25-2001	Procter & Gamble		
	12	WO-01 78664 A	10-25-2001	Aveda Corp		

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT BY APPLICANT**  
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SHEET 2 of 2

Application Number	
Filing Date	02/09/2004
First Named Inventor	Robert Lee Wells
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	8048C

**NON PATENT LITERATURE DOCUMENTS**

EXAMINER INITIALS*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	1	Robbins, C. R., "Chemical and Physical Behavior of Human Hair," 2 <sup>nd</sup> Ed., pp. 185-190, Springer-Verlag, New York, 1988.	
	2	Berthiaume, M. D., "Silicone Usage in Hair Treatment Applications: Bleaches and Dyes," Drug & Cosmetic Industry, pp. 42-49, April 1997.	
	3	Zviak, C., "The Science of Hair Care," Ch. 7, Marcel Dekker, Inc., New York, 1986.	
	4	Formulary, Cosmetics & Toiletries, Vol. 113(6), pp. 94, June 1998.	
	5	The Arianor Haircare Formula Index, Warner-Jenkinson Europe, Ltd., King's Lynn, Norfolk PE 304JJ.	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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